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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Matti Puputti

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DITTHAVONG MORI & STEINER, P.C.

918 Prince St.

Alexandria, VA 22314

EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT

PAPER NUMBER

2421

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/989,301	<b>Applicant(s)</b> PUPUTTI, MATTI	
	<b>Examiner</b> SUMAIYA A. CHOWDHURY	<b>Art Unit</b> 2421	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 20 May 2009.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 57-76 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 57-76 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 5/20/09 have been fully considered but they are not persuasive.

(a) Applicant argues that Kessler teaches terrestrial broadcast and cable broadcast streams and does not teach internet protocol based services.

Kessler does not explicitly teach internet protocol based services, but does teach a packet-based communications network and teaches that the receiver may be connected to a network such as the Internet (col. 4, lines 5-6, col. 3, lines 32-42). From this teaching, it can be inferred that internet protocol based services are supported and provided by Kessler's system. However, since Kessler does not explicitly teach internet protocol based services, the Examiner cited Levitan in the previous Office Action to teach the services provided to the user are internet protocol based ([0021], [0023]). It would have been obvious to combine the two references for the advantage of using a well-known standard that enables information exchange between computers independent of the type/model of computer being used.

(b) Applicant argues that the claimed "linkage to a control channel" is different from Examiner's interpretation of "linkage to control data".

An PSIP (Program Specific and Information Protocol) table includes an EIT (Event Information Table), and an EIT contains various PSI (Program Specific Information) regarding programs. Further, PSI includes **NIT** (Network Information Table), **PAT** (Program Association Table), and **PMT** (Program Map Table). The NIT is linked to the PIT and PMT since they are part of the same PSI. Kessler teaches transmitting the PSIP table. As discussed above, the PSIP table includes an NIT. According to Broadcast Engineer's Reference Book by Edwing Paul J. Trocer, an NIT is used by an STB for automatic tuning to a new transport stream. An NIT contains the name of the network and will normally contain the tuning information for all of the multiplexes forming the broadcast network. An NIT contains tuning information and also contains a list of services present. The STB can scan the list to find a user requested service. It can then use the associated tuning information to find the correct multiplex, followed by the PAT/PMT mechanism to find the required service. The Examiner interprets the PAT/PMT to be the control channel, as the PAT/PMT contains access information corresponding to services as Applicant has claimed. In other words, Kessler teaches an NIT containing a link to PAT/PMT (control channel) is transmitted to the receiver; and the PAT/PMT is transmitted wherein the PAT/PMT contain access information to programs/services.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 57-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler (6741288) in view of Levitan.

As for claims 57, 62, 67, and 72, Kessler discloses an apparatus, comprising:

A transmitter, wherein the transmitter is configured to:

Transmit a network information table (PSIP, MPEG), wherein the network information table contains a linkage to a control channel (An PSIP (Program Specific and Information Protocol) table includes an EIT (Event Information Table), and an EIT contains various PSI (Program Specific Information) regarding programs. Further, PSI includes **NIT** (Network Information Table), **PAT** (Program Association Table), and **PMT** (Program Map Table). The NIT is linked to the PIT and PMT since they are part of the same PSI. Kessler teaches transmitting the PSIP table. col. 1, lines 35-65, col. 5, lines 37-52); and

Transmit the control channel (PAT/PMT), wherein the control channel contains access information corresponding to one or more services (The Examiner interprets the PAT/PMT to be the control channel, as the PAT/PMT contains access

information corresponding to services as Applicant has claimed. Col. 6, lines 22-33, col. 8, lines 25-67).

However, Kessler fails to explicitly disclose wherein the services are internet protocol based services.

In an analogous art, Levitan discloses wherein a service is an Internet Protocol-based service – [0021] and [0023].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kessler and Bryant's invention to include the above mentioned limitation, as taught by Levitan, for the advantage of using the well-known standard that enables information exchange between computers, independent of the type/model of the computer..

As for claims 58, 63, 68, and 73, Kessler discloses wherein the access information comprises network address information (Col. 6, lines 22-33, col. 8, lines 25-67).

As for claims 59, 64, 69, and 74, Kessler discloses wherein the control channel is transmitted via a transport stream (Col. 6, lines 22-33, col. 8, lines 25-67).

As for claims 60, 65, 70, and 75, Kessler discloses wherein the control channel contains access information corresponding to one or more services of the transport

stream (Col. 6, lines 22-33, col. 8, lines 25-67). Levitan discloses internet protocol based services ([0021] and [0023]).

As for claims 61, 66, 71, and 76, Kessler discloses wherein the control channel is transmitted via a program specific information layer of a transport stream (col. 1, lines 40-50, col. 5, lines 7-15).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

/Sumaiya A Chowdhury/  
Examiner, Art Unit 2421